

IN THE CIRCUIT COURT OF FAULKNER COUNTY, ARKANSAS
THIRD DIVISION

CRYSTAL J. HOBBY and
KENNETH G. HOBBY, Et Al

PLAINTIFFS

VS.

CASE NO. 23CV-14-200

EXXON MOBIL PIPELINE COMPANY,
Et Al

DEFENDANTS

ORAL DEPOSITION (VIA VIDEO)

OF

KENNETH G. HOBBY

(Taken March 31, 2016, at 10:08 a.m.)

LEE ANN DICKENS, CCR
BUSHMAN COURT REPORTING
www.BushmanReporting.com

501-372-5115 (Office) / 501-378-0077 (Fax)

APPEARANCES

ON BEHALF OF PLAINTIFFS:
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 MR. JOSEPH GATES
 PAUL BYRD LAW FIRM, PLLC
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 LITTLE ROCK, ARKANSAS 72205

ON BEHALF OF DEFENDANTS:

MR. MICHAEL D. BARNES
 MR. ANTWAN D. PHILLIPS
 WRIGHT, LINDSEY & JENNINGS, LLP
 200 WEST CAPITOL AVENUE
 SUITE 2300
 LITTLE ROCK, ARKANSAS 72201

ALSO PRESENT: MR. MIKE TSCHIERER, the video
 photographer

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CAPTION

ANSWERS AND ORAL DEPOSITION OF KENNETH G. HOBBY,
 (Via Video), a witness produced via notice at the
 request of counsel for the PLAINTIFFS, taken in the
 above-styled and numbered cause on the 31st day of
 March, 2016, before LEE ANN DICKENS, Certified Court
 Reporter, at 10:08 a.m., at the law offices of Mr.
 William Rob Pointer, Duncan Firm, 900 South
 Shackleford Road, Suite 725, Little Rock, Arkansas,
 pursuant to the agreement hereinafter set forth.

STIPULATIONS

IT IS STIPULATED AND AGREED by and between the
 parties through their respective counsel that the
 oral deposition of KENNETH G. HOBBY (Via Video) may
 be taken for any and all purposes according to the
 Arkansas Rules of Civil Procedure.

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EXHIBITS

NO./DESCRIPTION: MARKED:
 Exhibit No. 5 - Mayflower Medical Clinic record . 64

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PROCEEDINGS

THE VIDEO PHOTOGRAPHER: We're on the
 audio/video record at approximately 10:08
 a.m. on March 31st, 2016.

This is Mike Tschierer, legal video
 specialist with Arkansas Legal Video. We're
 at the Duncan Firm, 900 South Shackleford,
 Suite 725 in Little Rock, Arkansas to take
 the deposition of Kent Hobby in the matter of
 Kent Hobby, Et Al vs. Exxon Mobile Pipeline
 Company, Et Al in the Circuit Court of
 Faulkner County, case No. 23CV-14-200.

The court reporter is Lee Ann Dickens.
 Will Counsel please state your appearances
 for the record.

MR. GATES: Joseph Gates for Kent Hobby.

MR. POINTER: Rob Pointer for the
 Plaintiff.

MR. BARNES: Michael Barnes for
 Defendants.

MR. PHILLIPS: Antwan Phillips also for
 Defendants.

THE VIDEO PHOTOGRAPHER: Madame Reporter,
 would you please swear the witness?

THE COURT REPORTER: I'll ask you to
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1 raise your right hand, please, sir.

2 THE WITNESS: Uh-huh.

3 THE COURT REPORTER: Do you solemnly
4 swear or affirm that the testimony you're
5 about to give is the truth, the whole truth,
6 nothing but the truth?

7 THE WITNESS: I do.

8 THE COURT REPORTER: Thank you.

9 THE VIDEO PHOTOGRAPHER: Thank you.
10 Please proceed.
11 THEREUPON.

12 KENNETH G. HOBBY,

13 THE WITNESS HEREINBEFORE NAMED,
14 having been first duly cautioned and
15 sworn by me to testify to the truth,
16 the whole truth, and nothing but the
17 truth, testified on his oath as
18 follows, to-wit:

19 EXAMINATION

20 BY MR. BARNES:

21 Q Good morning, Mr. Hobby.

22 A Good morning.

23 Q How are you?

24 A Good.

25 Q My name is Michael Barnes and I'm here to take
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1 A Thirty-three (33).

2 Q And your current address is 60 Ledrick Circle in
3 Mayflower, Arkansas?

4 A Yes, sir.

5 Q And as I understand, you and your wife bought
6 that house in 2011?

7 A Correct.

8 Q And you've lived there ever since?

9 A Yes.

10 Q And just you and her have resided in that home?

11 A Correct.

12 Q And you have no children?

13 A No.

14 Q And no one else has lived there with you?

15 A No.

16 Q In March of 2013, it was just you and her at 60
17 Ledrick Circle?

18 A Yes.

19 Q And we had a --

20 MR. BARNES: Can we use this as an
21 exhibit --

22 THE COURT REPORTER: Sure.

23 MR. BARNES: -- for this deposition?

24 THE COURT REPORTER: That's fine.

25 Q (By Mr. Barnes) I just want to show you -- we
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1 your deposition regarding the May 29th, 2013 oil
2 spill that occurred in Mayflower and ask you about
3 the claims and the lawsuit that you have filed. Is
4 that your understanding of why you're here today?

5 A Yes, sir.

6 Q Have you ever given a deposition before?

7 A No, sir.

8 Q You were present when we took your wife's
9 deposition and this is just a question/answer
10 session. I'd ask you to wait until I finish my
11 question before you answer, and -- so we're not
12 talking over each other. And I won't ask a question
13 hopefully -- sometimes I interrupt and hopefully I
14 won't do that -- so we can get the questions and
15 answers clear on the record.

16 We can take a break at any time that you want
17 to.

18 A (Witness nods head up and down.)

19 Q If you don't hear a question or you don't
20 understand it, just ask me to repeat it, rephrase it
21 and I'll be happy to do so. Okay?

22 A Yes, sir.

23 Q What is your date of birth?

24 A May 19th, 1982.

25 Q And how old are you?

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1 looked at some Google images. Exhibit 1 is a Google
2 image of Ledrick or the surrounding area. Do you
3 recognize that to be -- at least part of that to be
4 your neighborhood at Ledrick Circle?

5 A Yes.

6 Q And your wife circled your house. Is that -- is
7 that indeed your house --

8 A That is indeed our house.

9 Q -- circled in red?

10 A Right.

11 Q And is that neighborhood called "Ledrick" or
12 "Ledrick Circle" or what is it called?

13 A Ledrick Circle. I know Google map said it's
14 Frederick Circle, but the --

15 Q You know, that -- that is odd that they -- you
16 know, they don't get it right every time, do they?

17 A The center street is Frederick. The street in
18 the middle says "Frederick," so I guess they assumed
19 that was Frederick Circle but it's actually Ledrick.

20 Q Okay.

21 And Ledrick Circle is south of the North Woods
22 neighborhood; is that right?

23 A Correct.

24 Q And if you look at Exhibit 2 -- it's a further
25 out view. Can you look at that and orient yourself

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1 and see if you can find Ledrick Circle on Exhibit 2?

2 A Yes.

3 Q And can you also see the neighborhood to the
4 north that we all refer to as "North Woods -- I don't
5 know if that's what it's called on this -- on Exhibit
6 2, but can you see the North Woods neighborhood?

7 A Yes.

8 Q And if you look there, can you see at least the
9 beginnings of the North Starlite Street?

10 A Yes.

11 Q And is that -- is it your understanding that
12 that's the street where the oil spill -- the oil
13 flowed down?

14 A That's the -- yes -- where the main --
15 everything that was on the news. Yes.

16 Q Sure.

17 A Yeah.

18 Q Okay.

19 And where did -- where did you grow up and go to
20 high school?

21 A Sherwood, Arkansas. Sylvan Hills.

22 Q Graduated from Sylvan Hills High School?

23 A Yes.

24 Q What year?

25 A 2000.

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1 Q And what's your education after high school?

2 A I got a -- some time later I got an associate's
3 degree in electronics and engineering technology at
4 UALR.

5 Q What year did you get that?

6 A 2013.

7 Q Is that a 2-year program?

8 A Yes.

9 Q Well, what -- what did you do after high
10 school -- after 2000?

11 A After high school, pretty much went to work.
12 And I worked at a production -- production company
13 called CPX. We did concerts and things like that.
14 Then at the time, got a job as a satellite technician.
15 Did that for about 2 years. And then an AV company
16 for about 4 or 5 years.

17 Q And what's your current job?

18 A I just -- I got this job in January. I'm a
19 factory worker at Kimberly-Clark.

20 Q I read somewhere -- maybe it was in the
21 discovery -- that you were the manager of the Capitol
22 Hotel at one point. Is --

23 A I --

24 Q -- that true?

25 A -- managed the maintenance department. Did that

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1 for almost 8 years.

2 Q And currently you work at Kimberly-Clark?

3 A Currently.

4 Q And what is your job there?

5 A I am a maintenance technician. Class 5 is the
6 the title. MC-5.

7 Q And how long have you -- when did you start that
8 job?

9 A January 5th.

10 Q 2016?

11 A Yes.

12 Q Okay.

13 And a maintenance technician. What -- what do
14 you do?

15 A I work on the machinery that converts paper into
16 baby wipes and then also package them in cases and
17 makes pallets and sends those out.

18 Q And was your job right before this most recent
19 one at Kimberly-Clark, was that your job at the
20 Capitol Hotel?

21 A Yes, sir.

22 Q And you worked there for 8 years?

23 A Yes, sir.

24 Q Wow.

25 So the elevators at the Capitol Hotel are big.
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1 right?

2 A Yes.

3 Q Is it an urban myth that that's just because
4 they put horses on them?

5 A Grant's horse was always the rumor -- that
6 Ulysses S. Grant, when he rode into Little Rock, he
7 had his horse on the elevator.

8 Q Why would he have his horse on the elevator?

9 A I don't know. I even asked that question to the
10 people that were there. And, you know, it's -- it's
11 just a rumor that stuck.

12 Q Okay.

13 A And it's, you know, something to talk about at
14 the Capitol Hotel.

15 Q All right.

16 And the -- and so you did that for 8 years. So
17 I guess you worked at the Capitol Hotel up until
18 probably 2000--

19 A January 1st was my last day at the Capitol
20 Hotel.

21 Q So you started at the Capitol Hotel in 2000-- --
22 my math is horrible. 2000-- --

23 A '8.

24 Q '8.

25 And you -- before that, you worked for an AV
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1 company?

2 A Yes.

3 Q What -- what company?

4 A Audio Visual, or -- what was that -- AV -- it's
5 off Maumelle. Advanced Audio Video -- On-Line -- it
6 was On-Line Technologies. Excuse me.

7 Q Okay.

8 And that's in Maumelle?

9 A Yes.

10 Q And the Kimberly-Clark, that's -- is that in
11 Maumelle, too?

12 A Yes.

13 Q And I think you said before the On-Line AV
14 job -- well, what did you do there?

15 THE WITNESS: As far as the AV job?

16 MR. BARNES: Yes.

17 A Installed televisions, speakers and stereo
18 equipment. Things like that.

19 Q (By Mr. Barnes) And then before that, you
20 were a -- I think you said a satellite technician?

21 A Yes.

22 Q Is that -- would that have been at another
23 company?

24 A Yeah. It was -- let's see -- Hollywood
25 Satellite in downtown Little Rock.

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1 THE WITNESS: Yes. I guessed correctly
2 on that one, too.

3 MR. BARNES: Okay. Good. All right.

4 Sorry I'm digressing. I don't mean to waste
5 your time. Okay.

6 Q (By Mr. Barnes) Any -- by the way, did -- since
7 we're talking about employment, in this lawsuit
8 you're not claiming that you missed any work or lost
9 any earnings or are you?

10 A No.

11 Q Okay.

12 Any military?

13 A No. No, sir.

14 Q Only -- you've only been married once, and that
15 was to --

16 A Crystal.

17 Q -- Crystal.

18 And no children, correct?

19 A Correct.

20 Q Have you ever filed any other lawsuit besides
21 this one?

22 A No. No, sir.

23 Q Have you ever made any workers' compensation
24 claims or injury claims?

25 A No, sir.

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1 Q Is that still in business?

2 A I have not seen his truck in quite some time.

3 Q And then before that, you said you worked at a
4 production company, CPX?

5 A Correct.

6 Q And what -- they produced what?

7 A They set up lights and sound for concerts.

8 Q Like at the river?

9 A River Market and Barton Coliseum, Hot Springs.
10 That type.

11 Q So would you get a pretty good location to see
12 any concerts?

13 A I was always backstage.

14 Q All right.

15 What's the best one you went to? Were you there
16 when like Willie Nelson?

17 A Well, AC/DC came to Alltel -- well, it's Verizon
18 now -- but that was probably the best concert I've
19 seen.

20 Q What about the Hannah Montana concert? Were you
21 at that one?

22 A I was out of it before that came along.

23 Q Okay.

24 MR. BARNES: You know, Paul McCartney is
25 coming.

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1 Q Any bankruptcies?

2 A No, sir.

3 Q Ever been convicted of a felony --

4 A No, sir.

5 Q -- or DWI?

6 A No, sir.

7 Q Are you a smoker?

8 A I used to be.

9 Q When did you quit?

10 A About -- it's probably about 4 years now. 2012.

11 Q When you were a smoker, what was your smoking
12 frequency?

13 A Frequency half pack a day. Every 2 days I'd buy
14 a pack.

15 Q And for how long were you a half-a-day --
16 half-a-pack-a-day smoker?

17 A I would say -- I'd say for probably about
18 2-and-a-half, 3 years.

19 Q How would you describe your health today?

20 A I would say it was well.

21 Q And I understand you're a runner also?

22 A Yes.

23 Q Do you run half marathons like your wife?

24 A Yes. We -- we try to run together. Yes.

25 Q What was the last -- well, last half marathon

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1 you ran?
 2 A It would be last year's Soaring Wings.
 3 Q The Soaring Wings half --
 4 A Half marathon --
 5 Q -- marathon --
 6 A -- in Conway.
 7 Q -- in Conway in 2015?
 8 A Yes, sir.
 9 Q October 2015?
 10 A Yes, sir.
 11 Q How did you do?
 12 A Three (3) hours, 32 minutes, I believe.
 13 Q And have you ever run a full marathon?
 14 A I have not.
 15 Q Do you have plans to?
 16 A Keep thinking about it. But every time I run a
 17 half, I rethink it.
 18 Q And do you also run 5K's and 10K's?
 19 A I do.
 20 Q What was the last 10K you ran?
 21 A I want to say it was with Crystal on the Toad
 22 Suck. And the last 5K was the Firecracker 5K --
 23 Q Right.
 24 A -- this past 4th of July.
 25 Q So the Toad Suck 10K would have been in --
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1 A I think they always have that --
 2 Q Is that in April or June?
 3 A I want to say April because it's still cool.
 4 It's not warm. I normally have long sleeves.
 5 Q And you ran it this -- I guess last year? 2015?
 6 A I believe. Yes.
 7 Q And you ran the Firecracker 5K last year?
 8 A Yes. 4th of July.
 9 Q Do you try to run that every year?
 10 A Yeah. That's a fun run. It's all downhill
 11 until you get to the top of the hill.
 12 Q Get up to Zoo Hill?
 13 A Yes, sir.
 14 Q Okay.
 15 What's your -- currently, you know, if you were
 16 to -- do you keep up with it by miles you run a week
 17 or like how many miles do you run a week or do you
 18 just --
 19 A Normally with -- back then -- like right now,
 20 like Crystal said, we're doing Cross Fit and stuff
 21 like that so we're doing that a little bit more.
 22 They have probably ebbed off, but we probably still
 23 do 3 to 4 miles --
 24 Q All right.
 25 A -- a week.
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1 Q And I guess as the -- you'll probably have to
 2 start training for the Firecracker 5K pretty soon?
 3 A Yeah.
 4 Q Right?
 5 A Yeah.
 6 Q Would your running increase as you're actually
 7 planning for --
 8 A Yeah.
 9 Q -- a particular race?
 10 A There's set -- you can go on-line and find
 11 running schedules to help you condition yourself for
 12 whatever type of race you're doing.
 13 Q Did you run the Firecracker 5K in 2014?
 14 A I -- yeah. Because I've done it twice. I've
 15 done it twice in a row.
 16 Q Did you do it in 2013?
 17 A I don't -- no. I didn't do it in 2013.
 18 Q Do you recall any 5K's you did -- or 10K's or
 19 half marathons you did in 2013?
 20 A I want to say I have the medal for the 2013
 21 Soaring Wings which would have been in October.
 22 Q October 2013?
 23 A Yeah.
 24 Q Half marathon?
 25 A Half marathon. Yes, sir.
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1 Q All right.
 2 And you do Cross Fit?
 3 A Yes, sir.
 4 Q And any other exercise -- not that that's not
 5 enough, but do you bike? Do you swim?
 6 A No. We -- we do lake activities during the
 7 summer. I have a ski boat that we'll normally go out
 8 on swimming at Lake Ouachita.
 9 Q Do you currently have that boat?
 10 A Yes, sir.
 11 Q Where do you keep it?
 12 A It's at 60 Ledrick under -- we have kind of a
 13 shed. You can see it in the picture here. It's the
 14 white box that's in our backyard. The boat's kept
 15 underneath that.
 16 Q And you generally take it out on Lake Ouachita?
 17 A Generally, yes.
 18 Q You couldn't take that boat on Lake Conway?
 19 A No.
 20 Q Or the engine is too big?
 21 A Cotton Lake Conway is not that deep. It's only
 22 about 3 to 4 feet deep.
 23 Q And you currently wouldn't want to ski on Lake
 24 Conway?
 25 A With the -- with the stumps every 4 or 5 feet.
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1 Yeah.
 2 Q I assume you've never taken that boat on Lake
 3 Conway?
 4 A No, sir.
 5 Q Have you ever taken any boat on Lake Conway?
 6 A I kayaked it.
 7 Q When was the last time you kayaked it?
 8 A It's been a few years. Let's see. I would say
 9 the summer of 2012 because I -- I think that's when I
 10 got the kayak.
 11 Q Where else do you kayak?
 12 A Normally there's a -- Buffalo River. That's a
 13 common kayak. And then Ouachita River has good small
 14 mouth bass fishing.
 15 Q Where will you put in? Over by Malvern maybe?
 16 A Yeah. Mt. Ida.
 17 Q Okay.
 18 A You go -- it's on the south side of the lake.
 19 You go -- I don't know -- maybe about 25 miles west
 20 and there's an input place at Mt. Ida that's kind
 21 of -- it's a man with property there and he's got
 22 about six or seven cabins and we'll go for the
 23 weekend to fish it.
 24 Q Have you ever gone to -- it's near Malvern -- I
 25 think it's Rock -- I can't remember the name, but
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1 they have -- when they operate the dam, there's
 2 actually a place that has like rapids.
 3 A No.
 4 Q Do you know what I'm talking about?
 5 A Well, that's white water and I'm more of a
 6 gentle stream-type guy.
 7 Q Okay.
 8 And when was the last time you kayaked?
 9 A Last time I kayaked would have been probably --
 10 it would have to have been summer -- was Cadron Creek
 11 north of Conway on -- off 65.
 12 Q Does Crystal have a kayak as well?
 13 A She does.
 14 Q Does she kayak?
 15 A No. But we got her one.
 16 Q Okay.
 17 THE COURT REPORTER: That's what you
 18 should have done. Good thinking.
 19 Q (By Mr. Barnes) Do you have a doctor -- a
 20 primary care physician?
 21 A Blair Greenwood in Mayflower, Arkansas.
 22 Q And Dr. Greenwood is at the Mayflower Medical
 23 Clinic?
 24 A Yeah. Yeah. I believe that's the title of the
 25 place. Mayflower Medical.
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1 Q Any other doctors that you go to?
 2 A No. Not -- the only other -- there was one
 3 other like urologist for -- and I can't remember his
 4 name right now, but I wanted to say it starts with a
 5 U. But he -- I've only seen him once for the
 6 fertility specialist.
 7 Q And is that a urologist in Little Rock?
 8 A He's in North Little Rock. He's across the
 9 street from Springhill Baptist.
 10 Q Any other doctors you've seen, say, in the last
 11 5 years?
 12 A No. It's -- it's been -- the Mayflower Medical
 13 Clinic is normally where I go.
 14 Q So if we got the medical records from Dr.
 15 Greenwood at Mayflower Medical Clinic that would be
 16 most of your medical records over the past 5 years?
 17 A Past 5 years. Yes.
 18 Q And the only other one would be this urologist
 19 in North Little Rock?
 20 A Yes.
 21 Q And his name starts with a "U"?
 22 A I've only met him once and -- and I'm due to go
 23 back to see him again. It's just changed jobs,
 24 insurance changed and I have to wait for -- I forget
 25 what it's called now -- but you have to wait a
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1 certain time period for the insurance to pick you up
 2 and then you can start using Kimberly-Clark's
 3 insurance.
 4 Q Okay.
 5 A But I am supposed to go see him again because he
 6 wanted multiple tests done.
 7 Q And the last time you saw him would have been
 8 the first time you saw him in --
 9 A In -- end of November. First of December.
 10 Q Of 2000- --
 11 A '15.
 12 Q '15? Okay.
 13 And in this lawsuit, are you claiming any
 14 medical expenses?
 15 A No.
 16 Q Did you go to any doctor, including Dr.
 17 Greenwood, for any condition or symptom that you
 18 relate to the Mayflower oil spill?
 19 A I went for a health checkup to make sure
 20 everything was okay.
 21 Q Would that have been some time in April --
 22 A Yes, sir.
 23 Q -- 2013?
 24 I think we do have one record for you from April
 25 25th of 2013. Would that have been it?
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- 1 A Yes.
 2 Q And we can look at the record. But as you sit
 3 here today, is there -- did you check out okay?
 4 A She said, you know, to -- you know, best of her
 5 knowledge everything was okay.
 6 Q You might have had -- your cholesterol may have
 7 been a little high?
 8 A She did tell me about that. Yes.
 9 Q And do you take action to lower your
 10 cholesterol?
 11 A She placed me on a medicine called Lovastatin
 12 that you take once a day after dinner before you go
 13 to bed.
 14 Q I assume -- but I guess I have to ask -- are you
 15 claiming that your cholesterol levels are in any way
 16 related to the oil spill?
 17 A I would not assume them to be related.
 18 Q I assume Dr. Greenwood didn't tell you that it
 19 was?
 20 A She did not tell me that it was.
 21 Q Have you ever been hospitalized?
 22 A Yes. I had a bone tumor when I was 14. And it
 23 was from a football injury. I cracked a pelvis and a
 24 bone tumor -- benign -- formed.
 25 Q Did you play football at Sylvan Hills?

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- 1 A Yeah. 8th grade.
 2 Q And --
 3 A No. The bone tumor took me out 2 years and I
 4 wasn't able to play any more after that.
 5 Q Any other hospitalizations?
 6 A That's it.
 7 Q Do you have any chronic or long-term medical
 8 conditions?
 9 A No.
 10 Q Like heart disease, diabetes, asthma?
 11 A No.
 12 Q And the only medication you're taking is for
 13 the -- I'm sorry. Are you taking any medication?
 14 A Lovastatin.
 15 Q Lovastatin.
 16 A For the cholesterol.
 17 Q Right. Right.
 18 But no other medication?
 19 A No.
 20 Q Okay. All right.
 21 Let's ask -- let me talk to you and ask you
 22 questions about the day --
 23 A Okay.
 24 Q -- of the incident, March 29th, 2013. Were you
 25 at work that day?

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- 1 A Yes.
 2 Q Where were you working?
 3 A Capitol Hotel, downtown Little Rock.
 4 Q And when was the first time you had an
 5 indication that there had been an incident in
 6 Mayflower?
 7 A I normally got off at 3:00 o'clock. And so
 8 right around 3:30 is right around the time I drove in
 9 to -- I was driving in to Mayflower. And there's a
 10 gravel road underneath the interstate. They call it
 11 Grassy Lake Road. That's when I first noticed a
 12 scent in the air and it smelled like diesel. And,
 13 so, you know, I thought that was kind of strange.
 14 But as I kept driving -- as we -- that's about a
 15 mile, mile-and-a-half away from the Mayflower Exit.
 16 So as you come up on to the Mayflower Exit off to the
 17 right, I saw some utility trucks over -- kind of off
 18 to -- on the side road leaning into the woods and a
 19 bunch of guys standing around with hard hats and
 20 stuff like that looking out into -- I guess that
 21 Grassy Lake area. And, you know, the smell was still
 22 pretty strong at the time because I had the windows
 23 down. It was a pretty nice day.

And then came across 89 or exited at the
 Mayflower Exit, came on to 89 across the interstate.
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- 1 And then driving, I guess, south on 365, came across
 2 utility trucks on both sides of 365 -- what is now
 3 Harp's, but it used to be called Big Star. And there
 4 was boards and they had -- I want to say they had
 5 dumped gravel into the creek that was right there.
 6 And then on the other side, you know, they were --
 7 they were attempting to do the same thing at the time
 8 because there were a bunch of guys on both sides of
 9 the road with hard hats. Kind of belonged to -- I
 10 knew they were Mayflower guys because it said
 11 "Mayflower Utility" and they had the blue shirts and
 12 stuff like that.
 13 And then that's when I saw the black oil that
 14 was running down that stream.
 15 Q You could see it in that lower area -- I think
 16 your wife called it a ditch?
 17 A It is. Yeah. It looks like a ditch -- creek,
 18 you know. It runs underneath 365. And then --
 19 Q Right in between what's now Harp's but it used
 20 to be a Big Star --
 21 A Correct.
 22 Q -- and there's a Subway Sandwich?
 23 A Subway there. Yes.
 24 Q And then you've got the ditch and that's where
 25 you saw oil?

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1 A Yes.

2 Q And did you continue on home?

3 A Yeah. Home is only maybe about four or five
4 blocks away. So you go down maybe a quarter mile to
5 89, hang a right. And right as you came across the
6 railroad tracks, there were police officers there
7 with the lights on and barricades up on Main Street.
8 Q And if you -- or if you wanted to go to North
9 Woods, you'd turn right normally to get to North
10 Woods?

11 A Correct.

12 Q And to get to Ledrick, you'd keep going
13 straight?

14 A In order to get to Ledrick, keep going straight.
15 And so they -- they had that blocked off. Both
16 police cars were -- were there. And, you know,
17 anybody trying to go that way, they were redirecting
18 them down 89.

19 And so like we only live one block down from
20 that street. So I turned right. And, you know,
21 just -- I can just remember the smell being, you
22 know, constant. Like you're standing in, you know,
23 diesel or something like that.

24 And so when you got out of -- got out of the
25 truck and got inside -- you know, I want to say I

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1 called my wife, Crystal, and told her that something
2 was going on, but didn't know exactly what yet. And
3 so I kind of turned on the news to see if anything
4 was going on -- you know, checked Facebook and all
5 that. So -- I think it was a day or 2 later when we
6 found out that a pipe had broken.

7 Q Let me back up a little.

8 A Yeah. Yeah.

9 Q And I appreciate that.

10 So that brought a -- you would have gotten off
11 work from the Capitol Hotel 3:00 to 3:30?

12 A No. It would have been at 3:00.

13 Q 3:00?

14 A Yeah.

15 Q And is your normal like route to get to the
16 Capitol Hotel from home is to get on I-40?

17 A Oh, yeah.

18 Q And then take the Mayflower Exit?

19 A Yes, sir.

20 Q And you mentioned that you -- did -- did you say
21 that you could smell -- you could start smelling the
22 smell at -- where Grassy Lake is?

23 A Yeah. Grassy Lake Road.

24 Q You probably can't see it on this Exhibit 2,
25 but -- or can you? It's -- is that on there or is it

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1 south of there?

2 A No. It's -- it's south of there. Let me see.
3 Yeah. It's -- it's going to be a little bit south of
4 there. If it was exploded out just a little bit -- I
5 would say probably about another mile.

6 Q Okay.

7 And I think you said -- and I wrote down that
8 you stated it smelled like diesel?

9 A Yes.

10 Q And you said it was about a mile, a
11 mile-and-a-half away?

12 A Yes, sir.

13 Q And by a mile, a mile-and-a-half away, you mean
14 like from --

15 A The exit.

16 Q -- the Mayflower -- from the Mayflower Exit?

17 A Yes.

18 Q And what did -- and it smelled like diesel --
19 just sort -- as you're coming up to the Mayflower
20 Exit -- well, first of all, was your access impeded
21 or blocked in getting on the Mayflower Exit?

22 A No. Not -- not yet. You could see them putting
23 up barriers the other direction of 89 that leads you
24 back towards the lake.

25 Q Like there's -- I know there's an Interstate
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1 Drive there. Do you know where Interstate Drive is?

2 THE WITNESS: Interstate Drive?

3 Q (By Mr. Barnes) It goes parallel to I-40 on the
4 --

5 A Oh, yeah. That's the access road. I never knew
6 it actually had a name.

7 MR. GATES: According to Google.

8 A It's always been the "access road."

9 Q (By Mr. Barnes) Is that what you're saying was
10 blocked or was it something else?

11 A No. No. 89 -- 89 was actually -- looked like
12 it was being blocked right there because you have a
13 bridge that goes across the -- where the Mayflower
14 Exit is --

15 Q Yes.

16 A -- the lake is right there. And then you have
17 what was considered that cove area that was talked
18 about all the time on the news.

19 Q Right.

20 A And so I don't see it on here. I don't see the
21 exit.

22 Q If you look at Exhibit -- let me see if maybe I
23 can do --

24 MR. GATES: Do you want to just look off
25 mine? You want 2, right? Or do you want 1?

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1 MR. BARNES: It's okay.
 2 Q (By Mr. Barnes) We can do it the old-fashioned
 3 way.
 4 A Yeah.
 5 Q It works.
 6 So we could go to --
 7 A You get off at the Mayflower Exit, you can go
 8 left or right. I needed to go left, but they had
 9 blocked off going -- going right.
 10 Q And if you go right --
 11 A Yeah.
 12 Q -- there's -- it's 89?
 13 A Correct.
 14 Q And to the north of 89 is the main body of the
 15 lake?
 16 A Correct.
 17 Q To is south of 89 is what --n I don't know if
 18 you call it this, but --
 19 A Right.
 20 Q -- we call it "the cove."
 21 A Yeah. On the news, it was always referenced as
 22 "the cove."
 23 Q Is it okay if we refer to that as "the cove"
 24 here? Is that --
 25 A That's fine with me.

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1 Q Okay.
 2 And so on that 89 separating the main body and
 3 the cove, that's where you're saying there were some
 4 workers and blockage?
 5 A Correct.
 6 Q You didn't go down that way?
 7 A No.
 8 Q Nor would you --
 9 A Huh-uh.
 10 Q -- going home?
 11 A They looked busy down that way.
 12 Q Okay.
 13 And so you continued on home and you passed by
 14 in front of the -- where the now Harp's, then Big
 15 Star and the ditch is and there's a lot of activity
 16 going on there?
 17 A Correct.
 18 Q Were you blocked or impeded from getting to your
 19 home there?
 20 A You had to slow down because everybody was
 21 slowing down at that point. You know, I mean, just
 22 traffic in general was starting to build up a little
 23 bit there.
 24 Q And then you have to turn right on 89?
 25 A I believe it's north.

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1 Q North -- 89 North --
 2 A Yeah.
 3 Q -- to get to your house?
 4 A Yeah.
 5 Q Okay.
 6 Getting into your neighborhood, Ledrick Circle,
 7 was there any blockage or access keeping you from
 8 your neighborhood?
 9 A Not my neighborhood. No, sir.
 10 Q Were there any workers -- cleanup workers or
 11 anybody associated with the Exxon or the authorities
 12 in Ledrick Circle?
 13 A The only thing I can remember at that time there
 14 were on the back side where Snuggs -- this road
 15 (indicating) --
 16 Q Okay.
 17 A -- there were some vehicles traveling up and
 18 down that way.
 19 Q So Snuggs is further west from where you would
 20 come in --
 21 A Correct.
 22 Q -- to Ledrick Circle and you recall some
 23 activity back there?
 24 A Correct.
 25

MR. GATES: Not to interrupt, but just to
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1 make sure on Exhibit 1, Google has got it
 2 Northside Drive. That's what he's referring
 3 to.
 4 THE WITNESS: Right. Yes. Sorry.
 5 Q (By Mr. Barnes) Show me where you're saying.
 6 A Here (indicating). So here's -- this is the
 7 circle. Google calls it "Northside," but --
 8 Q It's actually called "Snuggs?"
 9 A -- it is called "Snuggs" going this way.
 10 Q Okay.
 11 So on Exhibit 1, the -- you saw some activity on
 12 Northside Drive?
 13 A Correct. On Exhibit 1. Yeah.
 14 Q On Exhibit 1, but that's down here below it says
 15 "Snuggs."
 16 MR. GATES: That says "Cross."
 17 Q (By Mr. Barnes) You refer to that as "Snuggs?"
 18 A Everybody there that I know -- and if I remember
 19 correctly, I think it even says "Snuggs" on the
 20 street sign.
 21 Q I think you're right.
 22 A So I don't know why they're calling it
 23 "Northside."
 24 MR. GATES: I didn't want to interrupt,
 25 but I knew we would be looking at this later

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1 and it probably would have been confusing.

2 MR. BARNES: Sure.

3 A But at the time, this was Mayflower utility
4 trucks and I want to say a police -- either Faulkner
5 County or Mayflower.

6 Q (By Mr. Barnes) Okay.

7 At any time from that day until this day, were
8 there any cleanup workers in your neighborhood of
9 Ledrick Circle?

10 A The only people that I saw at one point would be
11 this -- this house that was two neighbors down from
12 us on Exhibit 1, there's a small kind of creek/ditch.

13 There were -- people had hard hats and all that.

14 They were taking pictures. They had a camera. They
15 were taking photos of that right there (indicating).

16 Q Do you know who they were?

17 A They didn't have any -- you know, I tried to
18 look to see if they were Exxon or anything like that,
19 but I didn't see anything.

20 Q When did that occur?

21 A That was probably maybe about a week-and-a-half
22 to 2 weeks after the oil spill.

23 Q Any other activity that you can recall from
24 cleanup workers, Exxon, authorities in your
25 neighborhood of Ledrick Circle other than that?

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1 Q Main Street?

2 A Main Street.

3 Q Okay.

4 Any in your neighborhood? Any on Ledrick
5 Circle?

6 A Not on Ledrick Circle. No, sir.

7 Q Do you know if -- in Ledrick Circle, do you know
8 if anyone was evacuated by the authorities in Ledrick
9 Circle?

10 A I did not hear of anybody being evacuated.

11 Q You and your wife were not evacuated by the
12 authorities at any time?

13 A No, sir.

14 Q Did you ever see oil on your property?

15 A I do not ever remember seeing an oil sheen or
16 anything like that on my property.

17 Q Okay.

18 Let's go back to the smell.

19 A Uh-huh.

20 Q And if you can -- and I know this is --
21 sometimes it's hard to describe a smell, but can you
22 describe the smell for me? I think you've said
23 earlier --

24 A Yeah.

25 Q -- it was a diesel smell, but what else can you

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1 A There were -- they were walking around putting
2 fliers out on houses one time. I believe it was that
3 Saturday, but we were -- we were going to a party at
4 the time. And -- actually I think we were just going
5 out. The party wasn't until a week later. We were
6 just kind of getting out of the neighborhood. And
7 right down here at the bottom of Exhibit 1 we did see
8 a guy with an Exxon shirt that was walking to all the
9 houses.

10 Q Was this -- they were putting fliers?

11 A It was some type of a note that they were
12 putting in the door. And then when we got home later
13 that day, it was an Exxon letter stating, you know,
14 there had been an oil spill. I'm trying to remember
15 the exact -- but I don't think I have it any more.

16 Q This was -- I think I know what you're referring
17 to. It was like a newsletter to the community?

18 A Community. Yes, sir.

19 Q Okay.

20 Any -- any other activity in your neighborhood
21 with respect to the oil spill that you can recall?

22 A Only the trucks after that trying to clean it
23 up -- you know, the big suction cups or suction
24 trucks that had the suction deals that were -- would
25 sometimes be turning into Main --

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1 tell me about the smell the first day?

2 A The first day, like I said, I thought it had
3 been, you know, maybe something on the side of the
4 road or something like that. You know, that's
5 what -- I was like, Okay. That's got to be diesel.
6 And then, you know, as you got closer and closer to,
7 you know, where the -- where it had spilled out, you
8 know, the more stronger it become. You know, it --
9 it wasn't just a -- kind of a lingering thing any
10 more. It was -- it was very, very powerful. I
11 remember that. And -- you know, so had to roll the
12 windows up in the truck.

13 And everything was pretty much okay until I
14 stepped out -- when we got home -- I always park my
15 truck on the outside of the house and Crystal parks
16 in the garage. And so when I stepped out of the
17 truck, I knew -- you know, I was kind of a little bit
18 worried because it was more intense at the house than
19 it was on the interstate. And which, you know, kind
20 of had -- wondering where exactly it was because, you
21 know, just -- you know, just kind of makes you --
22 when you breathe it in and you can't get away from
23 it, it's kind of -- it gets into your head a little
24 bit. And, you know, you can't just walk right out of
25 it. Because I remember even coming into the house

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1 there's still a scent of it. And so --

2 Q Was it as strong in the house as it was outside?

3 A It was not as strong in the house as it was
4 outside, but I think that was because we had -- we
5 had all our windows closed and stuff like that. But
6 over time, it -- it slowly did get in to the house
7 going in and out of doors and it got in to the garage
8 just because of how big that door is. And so it got
9 carried in that way as well.

10 Q How long would you say that the smell lasted?

11 THE WITNESS: In the house or just --

12 MR. BARNES: In general.

13 THE WITNESS: In general?

14 MR. BARNES: Let's talk about in general.

15 A The really intense smell of it was probably for,
16 you know, a solid month. And then, you know, as
17 rains and weathers and things like that -- you know,
18 by summer, I could -- there was only like a little
19 bit of a hint that I could still smell it.

20 Q (By Mr. Barnes) Can you recall the last time
21 you smelled anything you associate with the oil
22 spill?

23 A Yeah. Last year we were -- we were doing our
24 training and stuff like that. And it was when you go
25 up Snuggs Circle, they -- we were -- we ran around

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1 Ledrick -- like if you run around Ledrick three times
2 that's a mile, so we did that. And since it's 6
3 miles, we kind of wanted to add on. We just didn't
4 want to run in circles so we went up Snuggs and
5 that's where I noticed it again.

6 Q And this was -- what were you training for then?

7 A I believe that was -- that was the half
8 marathon. That was the Soaring Wings that was going
9 to happen in October.

10 Q Of?

11 A 2015.

12 Q So you -- what did you smell?

13 A It was that same diesel smell as we came across.
14 And I was ahead of Crystal and I kind of ran into it.
15 And I looked back at her and I was like, you know,
16 can you smell that and she goes, Yeah. And that's
17 when I noticed there was the pipeline sign that's
18 right there on Snuggs where it goes underneath.

19 Q Have you smelled it since?

20 A I have not smelled it since.

21 Q When you smelled it that time, did you go
22 around?

23 A Yeah.

24 Q Okay.

25 A Yeah. It's not something you want to run in or
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1 anything like that. It was just -- you know, it --
2 it's just the odor of it. You know, you will
3 remember that.

4 Q Okay.

5 I know you said that there in the first day you
6 actually saw oil in the ditch by the Harp's/Big Star?

7 A Yes.

8 Q Did you see oil at any other time?

9 A No. That was mostly, you know, in the -- that's
10 for us where that cleanup was -- was happening where
11 I saw oil -- specifically black. You know, what they
12 were talking about on the news.

13 Q Did you see oil at any other time with your --
14 physically with your eyes?

15 A Physically with my eyes, no.

16 Q So you're at home after work that day --

17 A Uh-huh.

18 Q -- on the 29th. Crystal gets home from work.
19 Do you recall what time?

20 A Let's see. She -- like it was her tax season,
21 so this would have been 6:00 or 7:00 o'clock, you
22 know, that she would have come home. It was starting
23 to get dark. And I think she had heard the same news
24 that I had heard that, you know, a pipeline had
25 broken.

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1 Q And you-all spent the night at 60 Ledrick that
2 night?

3 A Yes.

4 Q Anything you can remember about the next day,
5 Saturday?

6 A Other than, you know, people calling and asking
7 if we were okay and things like that because news had
8 gotten out, you know. And just telling them that,
9 you know, as far as we know everything is okay, but
10 the smell is really, really bad. You know, we can't
11 go out, you know, in it or anything like that. You
12 know, just kind of waiting on any word of, you know,
13 what we might need to do or anything like that.

14 Q Did Crystal go back to Little Rock or North
15 Little Rock to work on that Saturday?

16 A I want to say yes because I was -- I was in the
17 house. I think I was just surfing the Internet at
18 that time.

19 Q And you did not work on that Saturday?

20 A No. Not on Saturday or Sunday.

21 Q And Sunday was Easter?

22 A Correct.

23 Q Had you-all had plans -- Easter plans before
24 ever learning of the oil spill? Were there Easter
25 plans --

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1 A Oh, yeah. We knew we would go to her family's
2 church and, you know, do Easter Sunday there and then
3 I believe go out to eat with them and that.

4 Q And you were able to do that?

5 A We did. We were able to leave. Yes.

6 Q So after that first weekend -- I want to just
7 get your view of what -- what -- the smell continued
8 obviously, right?

9 A Yes, sir.

10 Q What about any -- any other disruptions to you?

11 A To me. So when I -- when I leave, it's normally
12 fairly early in the morning because if I remember
13 correctly we were starting up -- I was starting a
14 cross fit at work. And so they had a
15 5:00 o'clock-in-the-morning class. And so I
16 believe -- you know, I --

17 Q At the Capitol Hotel?

18 THE WITNESS: Huh?

19 Q (By Mr. Barnes) At the Capitol Hotel?

20 A Uh-huh. Well, let me -- they paid for the gym
21 membership, but I had to pay for the class.

22 Q Okay.

23 A And so that class was 5:30 in the morning so I'd
24 have to get up at 4:30 and be out by 5:00. And so at
25 that time there's not really a whole lot of traffic,

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1 MR. BARNES: Oh, I'm sorry.

2 Q (By Mr. Barnes) So we were talking about
3 disruptions to you.

4 A Yes.

5 Q So you did actually see some?

6 A Well, they're pulling in and, you know, backing
7 them up and things like that.

8 Q Causes delays in going anywhere?

9 A Yes.

10 Q How long did that last?

11 A Once they got -- that lasted for maybe about a
12 week as more and more material -- they kept pulling
13 out and stuff like that. And, so, yeah. I would
14 say, you know, for the majority of the time, it was
15 probably like 2 to 3 weeks that that was going on.
16 And then as they got everything in place then it was
17 just the tanker trucks coming up and down 365 and
18 then going to Grassy Lake Road -- you know, that Bell
19 Slough where we like to run. It's always a two-mile
20 run when you run around that. They -- that was the
21 road they took to get to Interstate Drive.

22 Q So I assume you didn't run there during the time
23 these activities were going on?

24 A We tried once just because we thought maybe it
25 might be far enough away -- and when I say "once," it

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1 you know, like what Crystal would experience. And --
2 but they were -- this is when, you know, you could
3 always see them working in the north side. You know,
4 the lights were always on.

5 Q You mean North Woods neighborhood?

6 THE WITNESS: North Woods?

7 MR. BARNES: Yeah.

8 A Okay. Yeah. The -- yeah. North Woods. And
9 then down on some of the empty lots down 365 they
10 started putting up these big -- I guess they were
11 waste bins, you know, that they would keep oil in all
12 down 365. Those started showing up about a week --
13 oh, it was probably about the next week.

14 Q (By Mr. Barnes) Where on 365?

15 A I want to say they started showing up first down
16 where Lumber One is and then there's like a metal
17 shop that's there. So they started showing up there.
18 And then, I mean, more and more of them started
19 coming in. And then if I remember correctly, on 89
20 by that -- there's a diner that's there.

21 Q Stroud's?

22 A Stroud's Diner.

23 Q And they started showing up there.

24 THE VIDEO PHOTOGRAPHER: Mike, I'm
25 getting noise in my table.

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1 was probably about 2 weeks after the deal, but it was
2 still pretty bad even --

3 Q The smell or --

4 A The smell.

5 Q -- the traffic or both?

6 A The smell. Smell mostly is what prevented us
7 from running, but even the traffic going down that
8 road. You could tell that road has been used a lot.
9 And then from where we were, when we pulled in to the
10 parks entrance, you could still see the big trucks
11 running up and down Interstate Drive.

12 Q Have you ever gone back to run that Bell Slough
13 run since --

14 A Yeah.

15 Q -- the spill?

16 A Yeah. We've -- like I said, that's a good trail
17 run. I like running on trails more than I do
18 asphalt. It's just easier on the feet. And so now,
19 like I said, you -- you can't smell anything there
20 when I -- when I run. But when we did, you know,
21 your timing would be off and stuff like that. You'd
22 lose your pace just because of the constant annoyance
23 of it being there.

24 And so we didn't start running there until
25 probably -- I think we started back a little bit last

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1 year.

2 Q So in 2015 you started back at the Bell Slough
3 route that you had run?

4 A Yeah.

5 Q Is it okay?

6 A It seems to be okay. One concern was Palarm
7 Creek is right there. When we went and tried to run
8 a couple of times out there they had a rope with oil
9 absorbers in the creek.

10 Q A boom?

11 A Well, it wasn't the yellow floating boom. This
12 was more -- kind of like a cord stretched across the
13 creek with the clots attached to it. So I'm not
14 sure -- they were -- they were green in color. I
15 don't know if that makes a difference or not, but
16 they did have that in Palarm Creek right there as
17 well.

18 Q So -- I'm sorry.

19 When was the last -- when was the first time
20 after the spill that you ran along the Bell Slough
21 route?

22 A I want to say it was about 2 to 3 weeks later.

23 Q After the spill?

24 A After the spill.

25 Q And then did you stop running that route for a
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1 time?

2 A Yeah. We -- we picked up Burns Park. They have
3 a bunch of trails out there. Conway has one that's
4 over by the river. We -- Maumelle. But I wasn't
5 really -- Crystal likes that one just because there's
6 a lot of -- she knows that area and she knows routes
7 and stuff like that. But there's -- those trails are
8 more asphalt. They're paved. And so --

9 Q And you would run the Bell Slough route --

10 A Uh-huh.

11 Q Am I saying that right?

12 THE WITNESS: "Bell Slough?"

13 A Yeah.

14 Q (By Mr. Barnes) Would that -- would that be one
15 that you would run from your house or would you have
16 to get in the car and go?

17 A No. You got in the car to get there -- you
18 know, traffic concerns and stuff like that. But once
19 you got to the trail head, it was two miles all the
20 way around.

21 Q And then you'd run that. Do you still go to
22 Burns Park to run?

23 A It's been a while. The last time I was at Burns
24 Park was probably the spring of last year.

25 Q Do you ever go down to the Big Dam Bridge to
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1 run?

2 A We do. Yeah. That's -- that's a -- the Big Dam
3 Bridge is always nice to run. But there's a long
4 stretch from Big Dam Bridge to the 430 Park that's
5 just a long road -- you know, straight path. So I'm
6 more of a -- you know, turns and, you know, finding
7 my way-type guy.

8 Q Do you ever run at Two Rivers Park?

9 A Yes. Once.

10 Q Did you like it?

11 A Uh-huh. It's a nice park down there.

12 Q I may have already asked you this. I'm sorry if
13 I did. But the activities surrounding the cleanup
14 and the workers in town -- in Mayflower --

15 A Uh-huh.

16 Q -- or whatever, when did you notice that that
17 decreased?

18 A That decreased -- I want to say it was -- it was
19 in the summertime.

20 Q Summertime of 2013?

21 A 2013. Yeah. It was getting late summer. I
22 remember that. They had -- they had taken all of the
23 vegetation out of that ditch that was along Big Star
24 at the time. And -- but they still had, I guess, the
25 oil absorbers there -- the booms and things like

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1 that. And then they had done the same leading all
2 the way on the other side of 365 as well. And they
3 had -- looked like they were -- you know, they had
4 just removed everything from there just letting it
5 get absorbed by the suction tanks that they had. And
6 they were mostly on the Grassy Lake, or -- when I say
7 "Grassy Lake side," the -- the cove that they were on
8 was where most of the work was at the end of summer.
9 Q And is there any activity going on now that
10 you're aware of here in 2016?

11 A Every now and then I'll see somebody on the
12 cove side where they took everything out.

13 Q Had -- did you personally have any contact with
14 any representative from Exxon or someone who appeared
15 to be from Exxon?

16 A No.

17 Q There was a -- there was a claims line set up.
18 Maybe you knew about it. Maybe you didn't. But if
19 you did, did you call it at any time?

20 A No. The only thing I -- I remember in one of
21 the fliers they had a claims office that was there at
22 Linda's Grocery. But, you know, every time I went --
23 I mean, you could see in to the door. I mean, I
24 never actually saw anybody in there.

25 Q And you never went in there?

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- 1 A And I never went in there.
 2 Q And you never called the line -- the claims line
 3 even if you knew there was one?
 4 A No, sir.
 5 Q So your property at 60 Ledrick Circle, you and
 6 your wife purchased it in 2011?
 7 A (Witness nods head up and down.)
 8 Q That's a -- do you know what the square footage
 9 is?
 10 A I want to say 1,500. 1,515 keeps coming to mind
 11 when we bought it.
 12 Q It's brick?
 13 A Brick outside.
 14 Q It's on a lot. Do you know the acreage of the
 15 lot?
 16 A It's less than a quarter. I know that.
 17 Q And after you-all had bought it and moved in,
 18 have you since made any improvements to it?
 19 A No.
 20 Q Has it -- to your knowledge, has it ever been
 21 appraised?
 22 A No.
 23 Q I'm sure it was appraised --
 24 A Well --
 25 Q -- when you bought it?

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- 1 A -- I guess during that time. Yes, sir.
 2 Q You haven't had it appraised since?
 3 A No, sir.
 4 Q And have you ever attempted to sell it or put it
 5 on the market?
 6 A No. That -- we never really planned to do that.
 7 We kind of bought what we wanted.
 8 Q So you've never consulted a real estate agent to
 9 even start the process of looking into selling the
 10 house at 60 Ledrick?
 11 A Never started that process.
 12 Q As part of your claim in this lawsuit, do you
 13 claim that the property value for your house at 60
 14 Ledrick Circle has diminished in any way?
 15 A We're worried about that. Yes.
 16 Q What have you done to determine if that's true?
 17 A We got lawyers.
 18 Q Okay.
 19 Have you done anything specifically to determine
 20 the property values in the area?
 21 A No.
 22 Q Done any market research to see what the homes
 23 are selling for in Ledrick or North Woods or in
 24 Mayflower in general?
 25 A I haven't done any research on that.

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- 1 Q Are you aware of any air testing that has been
 2 done on your property or in Ledrick?
 3 A During the time of the spill, I went to Arkansas
 4 Department of Environmental Quality's web site. And
 5 that's where -- that's one of the main ways I was
 6 able to, you know, see if there's, you know, anything
 7 that was, you know, drifting our way or what had
 8 drifted our way. They had a map of all of the, I
 9 guess, sampling of the air that had gone on. And
 10 that's -- that's about all I've done as far as
 11 research and knowing where what was done as far as
 12 air quality.
 13 Q And the air testing is on the ADEQ web site?
 14 A The -- yeah.
 15 Q That's the Arkansas Department of Environmental
 16 Quality?
 17 A Yes, sir.
 18 Q And did you see any test results that caused you
 19 --
 20 A During what -- during the -- what is it --
 21 the -- where the spill was by Big Star and they had
 22 their -- I want to say it was called "volatile
 23 compounds." And I think they called them like a PC.
 24 You know, it was just the sample, you know, that was
 25 taken. There was a bunch of green ones along that

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- 1 where we drove all the time. And then like on the --
 2 on the map that they showed, it was just a dot on
 3 each place. So there was a couple of green dots
 4 which was the volatile compounds. And then the blue
 5 dots was, I think, just the samples taken. And if
 6 anything was above a certain level, it would turn to
 7 the green and show you that, you know, that was above
 8 a normal level.
 9 And so everything that was sampled -- there's a
 10 couple of samples on Frederick right here. There's
 11 Snuggs. And then there's like one or two of them on
 12 the north side and the far side of samples taken of
 13 air with -- I guess they drove around in a truck or
 14 something like that. I'm not exactly sure what they
 15 did. But they had mapped out where they had all
 16 taken their air samples out.
 17 Q I think maybe you're referring to Volatile
 18 Organic Compounds? VOC's?
 19 THE WITNESS: "VOC's?" Okay.
 20 Q (By Mr. Barnes) And did you make any attempt to
 21 try to determine or interpret any of the results from
 22 the air testing?
 23 A I tried to find out exactly what a VOC was. But
 24 if I remember correctly, I couldn't -- I couldn't
 25 really read out the stuff that they were calling a

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1 VOC. And, you know, tried to -- you know, I was
2 trying to see what was -- if I remember correctly,
3 what was one level -- you know, what was considered
4 normal or below. And so -- but the terminology was a
5 little bit beyond me.

6 Q Other than looking at the web sites --

7 A Uh-huh.

8 Q -- and -- probably more than once, any other
9 attempt by you to obtain any of the air testing
10 results?

11 A No. That was mostly -- it was mostly Arkansas
12 Department -- the ADEQ web site that I used while I
13 was at work.

14 Q Did you determine from looking at that web site
15 for the ADEQ that there were levels that were harmful
16 to humans?

17 A I don't ever remember seeing that. It would
18 always state above normal, if I remember correctly.

19 Q What about any soil testing -- well, first of
20 all, let me ask it. Are you aware of any soil
21 testing that was done on your property?

22 A I'm not aware of any soil testing done on my
23 property.

24 Q Are you aware of any soil testing done on any
25 other properties?

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1 A Other than Big Star -- you know, you always saw
2 the guys with suits and they were always collecting
3 samples there and all of the work that was going on
4 in the cove.

5 Q Did you -- when you went to the ADEQ web site --

6 A Yeah.

7 Q -- did you see any results for soil testing?

8 A I didn't see a soil. It was always air.

9 Q How about water testing?

10 A That was mostly -- I only knew of those with --
11 with news and stuff like that -- wait. I take
12 that -- I think they had the same map for water
13 because there was one -- there was one that showed
14 actually the cove and kind of the same that they
15 showed in Conway as they did this style as well.

16 Q So there was some water testing results --

17 A Yeah.

18 Q -- or data --

19 A Yeah.

20 Q -- on the ADEQ web site?

21 A I believe it was the ADEQ web site.

22 Q But you're not aware of any specific soil or
23 water testing on your property?

24 A No, sir.

25 Q Your dog, Abby.

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1 A Uh-huh.

2 Q Can you tell me any concerns or effects of the
3 oil spill with respect to your pet?

4 A Well, I mean, you know, Crystal was really,
5 really concerned with her, and, you know, letting her
6 out and not letting her ever stay out or anything
7 like that. And, you know, feeling really, really bad
8 when we had to go to work -- you know, leave her
9 outside, you know, and then let her in when we got
10 back from work. So that -- that -- you know, it --
11 we couldn't tell, you know, any effects or anything
12 like that, but we were worried about it.

13 Q Didn't take Abby to the vet for any reason?

14 A She didn't show any signs like, you know,
15 vomiting or anything like that.

16 Q Let me ask you now about you.

17 Any symptoms that you experienced of any kind
18 that you relate to the spill?

19 A Yeah. You know, with Crystal, when she had her
20 migraine and stuff, I -- it was a couple days later
21 when I experienced roughly the same thing. I didn't
22 get sick and vomit or anything. It was kind of one
23 of those blinding headaches where you get spots in
24 front of your eyes and basically I had to go -- it
25 was -- it was early afternoon I had to go lay down.

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1 I pretty much had to lay down until -- I mean, I -- I
2 slept until the next day. The next morning.

3 Q Can you put a time frame of when this headache
4 occurred that you experienced?

5 THE WITNESS: As far as like after the
6 oil spill, or --

7 MR. BARNES: Yes.

8 A Yeah. It was probably about -- probably about a
9 week-and-a-half after the oil spill. I know it
10 was -- Crystal's had hers first. And then it was --
11 it was only a day or two later when I had mine. And
12 it was -- like I said, you know, just the -- just the
13 sheer -- you know, when you get spots in front of
14 your eyes. And it was, kind of kind of lay -- lay
15 down, you know, type feeling.

16 Q (By Mr. Barnes) Did you take any medication for
17 that?

18 A No. I just went to bed.

19 Q Did you --

20 A I mean, it was kind of one of those things I've
21 got to lay down.

22 Q Did you seek medical treatment for those
23 headaches?

24 A I woke up okay the next day, and so -- and I
25 want to say that -- the problem was, was it happened

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1 on, I think, a Sunday and I to get up and go the next
2 morning, and so -- I -- I remember soon after that it
3 was, you know, I might want to check with the doctor
4 and see if everything is okay as far as just a
5 regular health checkup.

6 Q Did you go to the doctor for the headache?

7 A Not for that. I did mention it to her that I
8 had gotten a headache from smelling the fumes and
9 all. But I had also wanted to do a regular checkup
10 in general.

11 Q You went to see Dr. Greenwood?

12 A Yes, sir.

13 Q Is that right?

14 And you told her about the headache?

15 A I did. I told her that I, you know,
16 experienced, you know, this headache where I had to
17 go lay down and stuff like that. And then also I
18 asked her, you know, with exposure is there anything
19 I need to be worried about. And at the time what she
20 told me was she -- she didn't think that there was
21 a -- you know, a big risk to the exposure unless you
22 were actually handling the oil like the workers were.

23 Q And from the records, it looks like you went to
24 the Dr. Greenwood on April 25th, 2013?

25 A Yeah.

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1 headache and the nausea associated with that, have
2 you had any other symptoms that you relate to the oil
3 spill?

4 A No.

5 Q Since we're talking about that medical record,
6 let's just look at it and get that done.

7 MR. BARNES: And we'll mark this as
8 Exhibit 4 -- well, it would be 3 if this one
9 is --

10 THE COURT REPORTER: Well, it'd be 5
11 because we're --

12 MR. BARNES: Because we're doing it --

13 THE COURT REPORTER: Yeah.

14 MR. BARNES: -- for both.

15 THE COURT REPORTER: It'll be 5.

16 MR. BARNES: Exhibit 5.

17 THE COURT REPORTER: Yes, sir.

18 MR. BARNES: This is Exhibit 5, Mr.
19 Hobby.

20 (THEREUPON, No. 5 was marked for
21 identification and is attached hereto.)

22 Q (By Mr. Barnes) And I'll give you a chance to
23 take a look at that. While you're looking at it,
24 I'll just say for the record that it's a medical
25 record for Kenneth G. Hobby. The visit date is

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1 Q Does that sound right?

2 A Yeah.

3 Q And that was for your health checkup?

4 A Correct.

5 Q And I want to get back to symptoms you
6 experienced.

7 A Yeah.

8 Q You talked about the headache you experienced.
9 Anything else?

10 A I mean, just -- you know, other than just
11 constantly smelling it, you know, and holding your
12 breath.

13 Q Did you experience any nausea?

14 A During the headache, yeah. That's -- it was
15 kind of -- you had to lay down.

16 Q Any other symptoms that you relate to the oil
17 spill?

18 A Health-wise that was probably -- the main
19 concern was that. I can't think of anything right
20 now health-wise that it's caused, but right now we're
21 a little concerned with fertility and things like
22 that. We're trying to find that out.

23 Q In terms of symptoms for you --

24 A Yeah.

25 Q -- have you had -- other than the blinding

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1 Thursday April 25, 2013. The provider is Blair
2 Greenwood, Mayflower Medical Clinic.

3 Have you had a chance to look at that?

4 A Yes, sir.

5 Q And I'm just going to go to Page 2 of Exhibit 5,
6 and it says "Current Problems." Do you see that?

7 THE WITNESS: "Current problems?"

8 MR. BARNES: Yes. It's --

9 THE WITNESS: Oh.

10 MR. BARNES: -- the second headline.

11 THE WITNESS: Other hyper- --

12 Q (By Mr. Barnes) It says "Other hyperlipidemia."
13 Do you know what that is?

14 THE WITNESS: Is that my cholesterol?

15 MR. BARNES: I think so. Lipids are, I
16 think, fats and blood --

17 THE WITNESS: Yeah.

18 MR. BARNES: -- where they're going to
19 check for cholesterol -- for high
20 cholesterol. I'm not a doctor --

21 THE WITNESS: No.

22 MR. BARNES: -- so don't take my word for
23 it, but I think that's what it means.

24 Q (By Mr. Barnes) Is that consistent with what --

25 A That's consistent.

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1 Q -- you recall?

2 A That's been her consistent concern with me.

3 Q Okay.

4 And as I'm looking on here and also on the last
5 page of this is what I think is your lab work from
6 that visit on April 25, 2013.

7 A Okay.

8 Q And, again, I'm not a doctor, but I've looked on
9 here and the things that -- the only thing that I see
10 it looks like the -- on your cholesterol levels, it
11 has an H which I guess means high. I don't know.

12 A Yeah. That's what she told me. Your
13 cholesterol is high.

14 Q And as I look through this record -- and this is
15 the record I have for this visit on April 25, 2013, I
16 don't see any documentation on the record of any
17 headache on here. Do you believe that you told Dr.
18 Greenwood that you did experience this blinding
19 headache prior to this visit or was the headache
20 after this visit?

21 A No. It was during this visit. I remember that
22 because this was while it was all going on and all.

23 Q And under the Assessment on Page 2, if you will
24 look at that.

25 A Yes. Health checkup.

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1 MR. BARNES: -- heel problem.

2 THE WITNESS: Yeah. That's where mine
3 was in the heel.

4 Q (By Mr. Barnes) And were you experiencing pain
5 in your heel from running?

6 A Like a dull ache. You know, nothing that
7 actually prevented you from running. It was -- but
8 it happened every time after I'd run.

9 Q Did that get better?

10 A Yeah.

11 Q Are you good to go now?

12 A Oh, yeah.

13 Q Okay.

14 I have some other records from you, but they
15 don't appear to be -- I mean, there's one in -- the
16 next one I have for you is August of 2014 and appears
17 to be talking about an insect bite.

18 THE WITNESS: Oh, the sting?

19 MR. BARNES: Yeah.

20 THE WITNESS: Was that my ants or was
21 that --

22 Q (By Mr. Barnes) Does it --

23 THE WITNESS: Does it say ants or does it
24 say insect?

25 MR. BARNES: No. It says yellow jacket.
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1 Q It says health checkup, screening for
2 hypercholesterolemia --

3 A (Witness nods head up and down.)

4 Q -- if I'm saying that right, and then screening
5 for diabetes?

6 A Mellitus.

7 Q You're not diabetic, are you?

8 A No. I don't know what that is.

9 Q And then under the "Plan" -- if you will look
10 down below "Plan" on Page 2, it says "Health checkup,
11 PT --" -- which I think means patient -- "-- is
12 trying icing and ibuprofen for plantar fasciitis."

13 A Fasciitis.

14 Q "If no improvement, will call and we will send
15 referral and app. to podiatry."

16 A Yeah.

17 Q Do you recall talking to Dr. Greenwood about
18 your plantar fasciitis?

19 A That's what she called it and I think it was
20 like runner's foot -- something like that. I told
21 her what we were doing -- training and stuff like
22 that.

23 MR. BARNES: I myself have suffered from
24 this. And it is a common runner --

25 THE WITNESS: Yeah.

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1 THE WITNESS: Yellow jacket. Okay.

2 Q (By Mr. Barnes) Do you recall that?

3 A Yeah.

4 Q And I don't have any records from Exhibit 5,
5 which is April 25, 2013, to the next visit, which is
6 August 19, 2014. Do you know if you sought any
7 treatment in the interim --

8 A Not in the interim.

9 Q -- for anything?

10 A No.

11 Q I meant to ask your wife this, but were you and
12 your wife affected in any way by the tornado that
13 went through the Mayflower and Vilonia area about a
14 year after the oil spill?

15 A We lost power for about -- I think it was
16 2-and-a-half, 3 days. That was it.

17 Q No structural damage?

18 A No structural damage. Very, very lucky with
19 that.

20 MR. BARNES: I'm about done, Mr. Hobby.
21 Let's take just a short break.

22 THE VIDEO PHOTOGRAPHER: Off the record
23 at 11:28 a.m.

24 (THEREUPON, after a short break was taken
25 from 11:28 a.m. to 11:37 a.m., the

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1 proceedings resumed as follows, to-wit:)
 2 THE VIDEO PHOTOGRAPHER: We're back on
 3 record at 11:37 a.m. Please proceed.
 4 Q (By Mr. Barnes) Mr. Hobby, the urologist that
 5 you went to --
 6 A Yes, sir.
 7 Q -- would that have been at Arkansas Urology
 8 Clinic in North Little Rock?
 9 A That sounds correct. Yes.
 10 Q And I know you couldn't recall the name of the
 11 urologist.
 12 A Yeah. I can't remember his name. It is a very
 13 unique name.
 14 Q Starts with a U?
 15 A I believe so. Yes, sir.
 16 Q Okay.
 17 And when did you see Dr. U -- if I can call him
 18 that --
 19 A Yeah. That's fine.
 20 Q -- at Arkansas Urology?
 21 A I want to say it was between the -- it was right
 22 after Thanksgiving so I believe it was the first of
 23 December.
 24 Q December of?
 25 A 2015.

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1 Q 2015.
 2 And did Dr. -- did the doctor at the urology
 3 clinic perform any tests on you?
 4 A Yes. Well, I had a fertility test done and then
 5 he did a physical examination and looked over the
 6 numbers from the fertility test and noted, you know,
 7 the -- let's see -- motility and mobility of the
 8 sample that was given. And he would like -- he told
 9 me he would like to run another test because he told
 10 me that over time numbers will change and things like
 11 that.
 12 Q Did he at least preliminarily determine that
 13 there might be an issue with --
 14 A He didn't say that yet. What he did tell me
 15 just looking at these numbers -- I mean, right off
 16 the bat, you know, he -- he's not concerned yet
 17 unless it's that this next test shows --
 18 Q Okay.
 19 A -- an issue.
 20 Q And you've only gone to the Arkansas Urology
 21 Clinic that one time?
 22 A Yes, sir.
 23 Q And just to close the loop on this -- or at
 24 least for now -- for today --
 25 A Yeah.

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1 Q -- you haven't -- he hasn't indicated to you
 2 that you're -- anything related to the oil spill has
 3 had a health effect on your fertility?
 4 A He has not.
 5 Q Has anyone else?
 6 A Me.
 7 Q Any physician or doctor?
 8 A No.
 9 Q Has any health care professional advised you
 10 that the issues with fertility that has affected
 11 either you or your wife are arising from the oil
 12 spill or anything related to the oil spill?
 13 A No.
 14 Q Have you-all taken any out-of-state trips since
 15 the oil spill?
 16 A Like Crystal said, we have gone to Florida a
 17 couple of times -- I believe twice -- Port St. Joe.
 18 We have gone do Branson, Missouri and an Arkansas
 19 Razorback's game in Dallas.
 20 Q Which game?
 21 A Texas A&M.
 22 Q Okay.
 23 That would have been --
 24 A September.
 25 Q Of '15?

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1 A Yeah.
 2 Q And you do -- you go to Lake Ouachita?
 3 A Yes.
 4 Q When is the last time you went to Lake Ouachita?
 5 A Let's see. Probably that same September of last
 6 year.
 7 Q Does Crystal get to go --
 8 A No.
 9 Q -- on these trips?
 10 A Oh, yeah.
 11 Q Does she fish?
 12 A No.
 13 Q Do you fish?
 14 A Oh, yes.
 15 Q And have you ever fished in Lake Conway?
 16 A I have.
 17 Q When was the last time?
 18 A Last time would have been -- it was before the
 19 oil spill. I don't really fish that lake any more.
 20 Q Okay.
 21 Why not?
 22 A Because of the oil spill.
 23 Q Would you fish -- when you fished, did you fish
 24 in the main body of the lake?
 25 A Yeah. Kayak.

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- 1 Q Did you ever fish in the cove?
 2 A No. That water is a little bit too -- too
 3 shallow even for a kayak.
 4 Q So you never fished or kayaked in the cove
 5 before the oil spill?
 6 A No.
 7 Q But you have fished in Lake Conway?
 8 A Yes.
 9 Q How many times?
 10 A When I first got the kayak was at the end of the
 11 year so it was probably only about two or three
 12 times. Then the following year, I would say it was
 13 good. Probably about 15, 20 times. It was good to
 14 go kayak it. It was a shallow lake. Like I said,
 15 wouldn't have a boat through it. But to kayak it,
 16 the cove -- not the cove -- but the line -- what am I
 17 trying to say -- coast. The coast line was always
 18 really good to fish around there. And then, like I
 19 said, by the third year I had the kayak, you know,
 20 the oil spill kind of happened. There was a bunch of
 21 work going on with that and so probably be best to
 22 avoid it. And that's when I started with, you know,
 23 Ouachita River and Cadron Creek, Buffalo. And we
 24 just started doing rivers and creeks after that.
 25 Q Rockport. That is what I meant to say.

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- 1 A Rockport.
 2 Q There's a place near Malvern that has kind of a
 3 rapids area that --
 4 A Okay.
 5 Q Have you ever --
 6 A No. The (inaudible) at Mulberry and that's
 7 because it rained really, really hard while we were
 8 camping there. And so --
 9 Q Have you seen any data or test results either on
 10 the ADEQ web site or anywhere that indicates that the
 11 main body of Lake Conway was adversely impacted by
 12 the oil spill?
 13 A I have not seen anything from them or anywhere.
 14 Q But you still have concerns?
 15 A I do have concerns. Yes.
 16 Q And -- but not scientific to data to back that
 17 up?

18 MR. GATES: I object to the form.
 19 Q (By Mr. Barnes) Do you have any scientific data
 20 to back that up?
 21 A I do not.
 22 MR. BARNES: I appreciate your time.
 23 THE WITNESS: Thank you.
 24 EXAMINATION
 25 BY MR. GATES:

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- 1 Q I think we went over this with Mr. Barnes, but
 2 you have not -- did I understand that you have not
 3 kayaked Lake Conway since the oil spill?
 4 A Correct.
 5 Q And I think you said you'd gone 15 to 20 times?
 6 A Yeah. Spring and summers were always really
 7 good fishing during that time.
 8 Q Would you go by yourself?
 9 A Yeah.
 10 Q Did you go on the weekends?
 11 A Weekends. And then, you know, when you go in
 12 early at work and you get off at 3:00, especially
 13 during the -- you know, you'd have a little bit of
 14 extra time.
 15 Q When you fished, did you catch any fish?
 16 A Yeah. Bass and crappie.
 17 Q What would you with the fish after you caught
 18 them?
 19 A I -- one time with crappie, her -- I actually
 20 learned this from her father-in-law how to prep them
 21 and all that stuff and we'd eat crappie. But bass
 22 fishing was always catch and release
 23 Q Did you enjoy that?
 24 A I did.
 25 Q Are you able to fish as often now?

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- 1 A Yes. I am. Just not there.
 2 Q Is it more of a -- I don't know if "ordeal" is
 3 the right word, but is it harder to get to fishing
 4 now due to travel?
 5 A Well, it's a longer drive to wherever you go.
 6 You -- you plan around -- around it. Don't -- like I
 7 said, with -- my main concern with it being right
 8 there in Mayflower where it did get to. You know,
 9 that was always a really nice convenient place to go
 10 to. But, you know, ever since -- you know, that just
 11 weighs on the back of your mind and you'll -- I want
 12 to, you know, go somewhere that hasn't had that
 13 happen to it.
 14 Q Would you eat a crappie out of Lake Conway now?
 15 A Probably not.
 16 Q And I think you said you've got to plan to go
 17 fishing now?
 18 A Yes. Yeah.
 19 Q Before the oil spill, was it a -- did you ever
 20 go -- spur-of-the-moment go fishing?
 21 A All the time. Yeah.
 22 Q You can't do that now?
 23 A Not there.
 24 Q Can you -- well, strike that.
 25 What are your concerns about the -- you and

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1 Crystal trying to have a baby?

2 A You know, with -- with Mayflower, we -- we, you
3 know, kind of chose that place because of location,
4 you know, and the schools and things like that. It
5 was so we could start a family in a really good
6 community and all. And, you know, we had a, you
7 know, I figured a pretty good plan going waiting a
8 year and stuff like that. But, you know, with
9 everything that's happened now and not being able
10 to -- well, I won't say that -- having difficulty
11 trying to conceive, you know, that -- that's probably
12 my main concern is, you know, are we able to start a
13 family.

14 Q Are you worried about the exposure to the oil?

15 A Yeah. Just the length of time exposed to it.
16 You know, breathing it in for -- you know, for the
17 amount of time that we did and stuff like that. Did
18 that adversely affect us is a question that's always
19 in my mind.

20 Q Does Mayflower have its own school?

21 A Yeah. It's a growing school.

22 Q Do you feel kind of isolated if you don't have
23 kids and you're in that community?

24 A I mean I can't say right now that we -- nobody
25 has said -- told me that we can't have kids right

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1 because it's in a liquid state and then it's in an
2 air state -- I mean, it's got to be the same thing.

3 Q And you smell it -- you smelled it for a long
4 time?

5 A Yeah. I mean at least two seasons all through
6 spring and all through summer.

7 Q Tell me a little bit about the lights from the
8 construction crew or the cleanup crew.

9 A Yeah. So they had kind of like the same type of
10 work lights that you see on the side of the road with
11 construction. There would be a generator at the
12 bottom and I guess it was on a big boom that went up
13 in the air like at a football stadium. You know, I
14 mean, it was lit up like that. And then you could
15 always hear the generators running in the background
16 of the neighborhood.

17 Q Is there a football stadium in Mayflower? I'm
18 not --

19 A The high school has one. Yes.

20 Q How far away is that from your house?

21 A Probably half a mile.

22 Q Can you see the lights when there's a game
23 going?

24 A No. I don't. It's kind of tucked behind the
25 school and the school is on a hill.

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1 now. It's been difficult. And so with her numbers
2 on hormones and mine, you know, making it difficult,
3 that's kind of a major concern.

4 Q Well, let's just say a fellow and his wife moved
5 to Mayflower and they wanted to start a family and
6 couldn't, would people look at them differently?

7 A I would hope not. You know, it is a -- it is a
8 retirement community. I can tell you there's a lot
9 of older couples there. I mean our next door
10 neighbor, she lived to be 100, you know, before -- so
11 I don't know if they'd look at us differently or not.
12 I mean, even if we couldn't, more than likely we
13 would adopt.

14 Q Now, I think you told Mr. Barnes you didn't
15 actually see any oil, but do you think any oil got in
16 your neighborhood?

17 A Well, with -- you know, with as much of it that
18 was probably in the air, I'm -- you know, I'm pretty
19 sure, yeah. It did. Something got on to our
20 property. You know, it can't just -- if it sets as
21 heavy like it did and as long as it did, there's got
22 to be some type of trace amount.

23 Q And --

24 A And with the rain during that time, you know,
25 just -- like I said, with -- with -- I mean just

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1 Q Wouldn't hear anything?

2 A No.

3 Q But during this time you saw stuff and lights
4 like it was a football game?

5 A Yeah.

6 Q Did you see any dead animals or any dead fish or
7 anything like that during this time?

8 A The only kind of what was on the news where they
9 would do an interview with a professor from Conway --
10 a biology professor, you know, and he was talking
11 about it and they would show pictures and photos.

12 Q When did that make you think when you saw that?

13 A Well, I mean, that's part of the reason why you
14 don't or I don't fish in Lake Conway.

15 Q Do you have any worries or concerns about the
16 oil spill affecting your future?

17 A Like I said, the main thing for me is our
18 health. You know, starting a family, and, you know,
19 then I guess property and stuff like that. Did it
20 affect us if we decide to move to somewhere else.
21 But right now, it's -- right now, it -- it's health.

22 MR. GATES: That's all I've got.

23 MR. BARNES: Thank you. No questions.

24 THE VIDEO PHOTOGRAPHER: Okay. This will
25 complete the deposition. We're off the

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record at 11:54 a.m.
THE COURT REPORTER: All right. Thanks
so much.
(WHEREUPON, the proceedings were
concluded in the matter at 11:54 a.m.)
(WITNESS EXCUSED)

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CERTIFICATE

STATE OF ARKANSAS)
)ss
COUNTY OF PULASKI)

I, LEE ANN DICKENS, Certified Court Reporter
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in the caption on the foregoing proceedings are true;
and that the foregoing proceedings were reported
verbatim through the use of a Stenotype machine and
thereafter transcribed by me or under my direct
supervision to the best of my ability, taken at the
time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or
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the outcome of this action, and that I have no
contract with the parties, attorneys, or persons with
an interest in the action that affects or has a
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attorney, or that requires me to provide any service
not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 15th day of May,
2016.

LEE ANN DICKENS, CCR
Notary Public in and for
Pulaski County, AR expiring
10/13/25

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